

Carlisle Conservation Commission

June 18, 2009

Chair Tom Schultz called the meeting to order at 7:35 p.m. in the Clark Room at the Carlisle Town Hall. In addition to Schultz, also present were Vice Chair Peter Burn; Members, Tom Brownrigg, Jenifer Bush, Kelly Guarino, Diane Troppoli and Tricia Smith (8:10); Conservation Administrator Sylvia Willard

Bills & General Agenda Items:

Field Change Request – 110 Maple Street: Guarino stated that she is an abutter to the applicant and would be abstaining from informal comments. Willard reported having been contacted by the property owner with a request for a Plan change for an Order of Conditions that had been issued on April 23, 2009. The work involved the razing and reconstruction of an existing dwelling and alterations to an existing septic system. Because the Plan as approved had shown the location of the driveway incorrectly, Willard had authorized the property owner to relocate the haybale siltation barrier in order to undertake the project. It was also determined by the contractor that the Spruce tree that is located in the front of the house would need to be removed in order to allow for access for the work in order to avoid potentially negatively impacting the septic system. Smith moved to accept the Plan changes with the requirement that the property owners replace the Spruce tree with a similar species. Troppoli seconded and all attending voted in favor with the exception of Guarino, who abstained.

Taps at Towle: Jack O'Connor informed the Commission that, while he was mowing Towle Field, he noticed that some of the maple sugaring taps that had been installed under a Land Use Permit in early spring were never removed. The commission requested that Willard contact John Bakewell to look into the matter further.

Certificate of Compliance:

(DEP 125-0824) 630 Rutland Street. Project: Swimming pool, storage shed and associated grading. Issued 1/18/2008: Willard reported that she had found the work to have been completed in substantial compliance with the OOCs and that the work area is completely stabilized. *Burn moved to issue a Certificate of Compliance for DEP #125-0824. Troppoli seconded and all attending voted in favor.*

(DEP 125-656) Dept. of Environmental Management, Dept. of Resource Conservation; Project: Relocation of parking lot, installation of drainage, pathways and landscaping; Issued: 8/20/2001: Upon receiving a request for a COC accompanied by an as-built Plan for the completed work based on delineations for DEM project that is currently under review by the Commission, Willard consulted the original Plan to determine how the wetland delineation line may have changed. Upon her review, she determined that the applicant had filled a portion of a wetland resource area. Because the work had in fact been done in accordance with an approved Plan with no requirements for a replication area, *Burn moved to issue a COC for DEP #125-656 replication work on the Plan for the current project. Guarino seconded and all attending voted in favor.* The Commission will request that the applicant address the replication issues under the current project pond dredging project plan.

Year-End Budget Update: FY09: Willard informed the Commission that she anticipates a balance of approximately \$1260 after meeting all final expenses under the ConsCom General Fund. The suggestion was made to consider encumbering the funds in order to fund the Benfield and Towle Field

Mowing Agreements. She noted that a surplus cannot be used to cover salaries, but can be used to fulfill obligations under an existing contract. **FY10:** Willard requested a copy of the final FY10 Budget from the Chair. Bush inquired as to when the Commission will be addressing a reinstatement of staff hours. Willard recommended that the final budget figures be reviewed prior to making any recommendations.

8:05 (DEP 125-0859) Notice of Intent, Continued Hearing

Applicant: Wilkins Hill, LLC

Project Location: Lot 7, 240 Hanover Road

Project Description: Construction of a portion of a single family home, associated grading, driveway, utilities and well

Schultz opened the continued hearing under the provisions of the Massachusetts Wetlands Protection Act and the local Carlisle Wetlands Protection Bylaw. Jonathan Boland of Stamski and McNary reported the following changes as requested by the Commission at the previous hearing: added TBM and note showing stones relocated to haybale line; added flood hazard district; Plan now shows test pit locations, including a second test pit that was added per BOH requirements. Boland noted that the BOH would review the revised plan at their next meeting. With no further questions, *Burn moved to close the hearing for DEP #125-0859. Bush seconded and all attending voted in favor. Guarino moved to issue a Standard Order of Conditions with the Special Condition that the applicant return with a revised plan should the BOH require any significant changes in elevations. Burn seconded and all attending voted in favor.*

(DEP 125-0863) Notice of Intent

Applicant: Wilkins Hill, LLC

Project Location: Lot B, 11 Hanover Road

Project Description: Construction of a portion of a single family home, associated grading, driveway, and well

Schultz opened the hearing under the provisions of the Massachusetts Wetlands Protection Act and the local Carlisle Wetlands Protection Bylaw. Brownrigg recused himself stating that he is an abutter to the Hanover Hill development. The Commission was required to re-advertise and re-hold the hearing previously held on May 28 due to a quorum issue. With no outstanding issues except for a pending review by the BOH, *Burn moved to close the hearing for DEP #125-0863. Smith seconded and all attending voted in favor. Guarino moved to issue a Standard Order of Conditions with the Special Condition that the applicant provide the Commission with a revised plan subject to their approval should the Board of Health require any substantial changes that would impact the Buffer Zone.*

(DEP 125-0864) Notice of Intent

Applicant: Wilkins Hill, LLC

Project Location: Lot 13, 20 Gormley Way

Project Description: Construction of a portion of a single family home, associated grading, driveway, and well

Schultz opened the hearing under the provisions of the Massachusetts Wetlands Protection Act and the local Carlisle Wetlands Protection Bylaw. Brownrigg recused himself stating that he is an abutter to the Hanover Hill development. The Commission was required to re-advertise and re-hold the hearing on this project held on May 28 due to a quorum issue. *Troppoli moved to close the hearing for DEP #125-0864. Burn seconded and all attending voted in favor. Troppoli moved to issue a Standard*

Order of Conditions with the Special Condition that that the stone wall be extended from the wing wall along the wetland side of the haybale line to the well in order to demarcate the setback from the intermittent stream. Guarino seconded and all attending voted in favor.

LSC Reappointments: Burn moved to reappoint Lynn Knight, Tim Donahue and Warren Lyman to the Land Stewardship Committee for three-year terms.

Conservationist of the Year Award: Smith moved to nominate John Lee for this year's COYA, noting his long-term efforts within the community, region and state, in promoting agricultural awareness and education on the importance of conservation. Troppoli seconded and all attending voted in favor.

FY10 Elections: Troppoli moved to nominate Peter Burn as Chair of the Commission. Schultz seconded and all attending voted in favor. The Chair Elect has yet to be determined.

8:35 p.m. (DEP 125-0858) Notice of Intent, Continued Hearing

Applicant: Mehdi Khayami

Project Location: 41 Patten Lane

Project Description: Addition to a single-family dwelling

Schultz opened the continued hearing under the provisions of the Massachusetts Wetlands Protection Act and the local Carlisle Wetlands Protection Bylaw. Jonathan Boland of Stamski and McNary presented the changes made to the Plan subsequent to the previous hearing. Those changes included: the existing stockade pool fence to be repaired; the existing wire fence to be relocated outside of BVW and replaced with aluminum rail fence in accordance with building code regulations; the remains of the dismantled shed will be removed and relocated outside of the Buffer Zone; a pool drain basin added to handle backwash and maintenance. Boland also stated that, under the terms of a Deed Restriction imposed by the BOH, should the property wish to increase the size of the home to include more than four bedrooms, a new septic system would be required.

Wetland Scientist David Crossman of B & C Associates was present to review the Wetland Restoration Plan, which contains measures for removing the pea stone material that had been used for fill in a BVW. The stone will be removed by shoveling them by hand into a bucket of a bobcat, with the residual material to be raked out. Shrubs and ferns in species similar to the vegetation that exists in the adjacent wetland area will be planted under the direction and guidance of a qualified Botanist and a compliance report will be submitted annually for two years in order to ensure that the restoration is successful. Willard noted that the haybales shown on the Restoration Plan are not necessary given that the work will be undertaken under the direct supervision of a wetland scientist with the Commission being in agreement. *Smith moved to close the hearing for DEP #125-0858. Troppoli seconded and all attending voted in favor. Smith moved to issue a Standard Order of Conditions with reference to the revised Plan and technical submissions with regard to the restoration work. Troppoli seconded and all attending voted in favor.*

Smith moved to accept the Restoration Plan as submitted by David Crossman under the terms of the previously issued Enforcement Order for 41 Patten Lane. Burn seconded and all attending voted in favor.

8:45 p.m. (DEP 125-0865) Notice of Intent, Continued Hearing

Applicant: Department of Conservation and Recreation

Project Location: 984 Lowell Road, Great Brook Farm State Park

Project Description: Dredging of a farm pond and installation of a fire department connection

Schultz opened the continued hearing under the provisions of the Massachusetts Wetlands Protection Act and the local Carlisle Wetlands Protection Bylaw. *At the applicant's request, the hearing was continued until August 13, 2009 at 8:30 p.m.* Willard noted that the applicant has not yet determined whether state funding will be available for the full peer review that the Commission had previously determined as a requirement.

COC: (DEP 125-0739) Project: Applegrove Lane including wetland crossing and replication area; issued 12/18/2004, extended to 12/18/2009: Willard reported having received a request for a COC in December. Because the work involved the construction of a replication area, the site inspection was deferred until recently, when she and Brownrigg performed the site inspection. She noted that the applicant has been struggling for several years to successfully turn the replication area into a fully functioning wetland. Willard reported that she had observed water in the nearby detention basin but none was present in the replication area. In reviewing the As-built Plan, Smith inquired as to whether the issues may be related to the hydrology of the area, recalling that the Commission had required at the time that the permit was granted that they conserve a tree, requiring the grading to change so as not to overly disrupt the root system. Agreeing with Smith's cause and effect theory, Willard offered that this is a lesson learned because the delineations used in the replication area were done for an earlier ANRAD. If the delineation was done in a conservative manner it may have made it more difficult to make a proper connection. She suggested that the Commission require the oversight of a botanist for comparable replication work in the future. Representative Peter Crabtree of Northland Residential, who was present for the hearing, stated that he had consulted with a botanist in preparation for the COC request, who had found the plant structure was found to be satisfactory. *Smith moved to issue a COC for DEP #125-739. Guarino seconded and all attending voted in favor.*

9:05 p.m. (DOA-266) Request for Determination

Applicant: Loretta Ho Sherblom

Project Location: 145 South Street

Project Description: Construction and paving of a driveway to a single family home

Schultz opened the hearing under the provisions of the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw. Property owner Loretta Ho Sherblom of 199 Park Lane, Concord was present for the hearing. The Plan called for reconfiguring and paving the existing single-lane gravel driveway to accommodate a turnaround, with safety the primary issue, as they are presently required to back onto South Street. The driveway plan was prepared by David Schofield and approved by the BOH in December of 2008 for septic compatibility. The property owner stated that because a portion of the proposed work is within the town right of way, she had submitted the Plan to the BOS for review, and approval was granted with the understanding that the area may be subject to change at some point in the future. *Smith moved to issue a Negative Determination B3. Troppoli seconded and all attending voted in favor.*

9:15 p.m. (DEP 125-) Notice of Intent

Applicant: Jill S. Goldman

Project Location: 501 Lowell Street

Project Description: Installation of a driveway, carport and addition to an existing single-family home

Schultz opened the hearing under the provisions of the Massachusetts Wetlands Protection Act and the local Carlisle Wetlands Protection Bylaw. Engineer David Schofield stated that they are proposing the work to address safety issues concerning the lack of a proper driveway/parking area. The property sits approximately eight feet from the property line to Lowell Street. The property owners are currently required to park in front of the house where there is a very sharp crest in the road that interferes with sight distance. The Plan calls for placing the entrance to the 12-foot wide paved driveway as far away from the crest as possible with the entrance being located at an existing break in the stone wall. The representative noted that the applicants will not be constructing the shed that is shown on the Plan due to zoning restrictions. The representative agreed to reduce the size of the large soil stockpile area in accordance with the Commission's recommendation. It was also requested that the applicant give consideration to future plans for the area beyond the proposed driveway including how they will demarcate the wetland edge. With the representative's approval, the hearing was continued to July 16 at 8: 30 p.m. pending receipt of a DEP # and submission of additional details re future plans for site.

9:35 p.m. Proposed Revision to Carlisle 40B Regulations: Present for the discussion were Planning Chair David Freedman, Vice Chair Michael Epstein, and Zoning Board of Appeals (ZBA) Chair Ed Rolfe, with the goal of exploring the possible adoption by the Commission of versions of Attachments B & C to the new 40B Comprehensive Permit Regulations recently accepted by the ZBA. The revisions were recently adopted by the PB and the ZBA and were put in place to respond to new state regulations enacted in February 2008 by the DHCD, which would impact the town's ability to examine project financing, and the applicant's preparedness to undertake the project. The Commission was also asked for suggestions for modifications to the performance standard document. Subject to further discussion, the Commission recommendations included a means for better addressing requirements for reimbursement for peer reviews, that 40B filings should be done concurrently with other boards to provide for better communication and to streamline the application process. It was agreed that the PB and the ConsCom would work together to address incorporating criteria for stormwater management.

Aware of the fact that the Commission has been considering revising the local bylaw, the representatives had also provided the Commission with copies of the recently revised Amesbury local wetlands bylaw and regulations, which they hoped would provide a useful resource for developments that exceed local zoning.

The Commission thanked the presenters and agreed to continue discussions along these lines subject to further review of the proposed documents.

10:29 p.m. Smith moved to adjourn. Troppoli seconded and all attending voted in favor and thanked departing chair, Tom Schultz, for his six years of service to the Town of Carlisle and the Conservation Commission.

Respectfully submitted,

Mary Hopkins
Administrative Assistant